

LORDS AMENDMENTS

TO THE

IRISH LAND BILL.

(In lieu of those disagreed to by the Commons.)

[NOTE.—The page and line refer to Bill (177.) as first printed
by the Lords.]

Page 3.

After clause 3 insert clause A.—

A.—(1) Regulations may be made by the Lord Lieutenant for determining the priority in which advances, whether by means of money or of stock, or partly by means of money and partly by means of stock, may be sanctioned or made and for allocating as between different classes of sales the amounts from time to time available for advances. Regulations as to priority.

(2) The regulations shall provide that in determining the priority as between sales of the same class regard shall be had, so far as is reasonably practicable, to the dates at which proceedings for the respective sales were commenced, or, in cases where proceedings are transferred from one class to another, to the dates of the respective transfers.

(3) Every regulation made under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

Page 6.

Line 26, after ("holding") insert ("or in consequence of any
" direction of the Land Commission")

Page 7.

Line 13, after ("Commission") insert ("or the Land Judge")

Line 17, after ("by") insert ("or with")

Line 17, after ("Commission") insert ("or the Land Judge")

[Bill 354.]

A

Page 8.

Line 17, leave out from ("that") to ("they") in line 19 and insert ("by means of the existence of arrears of rent owed
 " by the tenant undue influence was exercised by the land-
 " lord to induce the tenant to enter into the purchase
 " agreement and the security for the advance might in
 " consequence be insufficient")

Line 22, after ("with") insert—

"(2) Any person aggrieved by any order of the Land Commission under this section may, within the prescribed time and in the prescribed manner, apply to the Land Commission to refer the order to the Judicial Commissioner for consideration, and in such case the order shall not have effect unless and until it is approved by the Judicial Commissioner."

Line 36, leave out from ("resides") to ("and") in line 40.

Page 9.

Lines 11 and 12, leave out ("first day of January in the year
 " nineteen hundred and eight") and insert ("fifteenth day
 " of September in the year nineteen hundred and nine")

Leave out lines 20, 21, and 22.

Line 33, leave out ("considering") and insert ("adequate
 " provision has been made to satisfy")

Line 33, after ("of") insert("the ")

Page 11.

Line 1, after ("grazing") insert ("or other")

Line 18, after ("purposes") insert—

"(3) The Land Commission, on the application in the prescribed manner of any landlord who is desirous of selling an estate under the Land Purchase Acts, if they are satisfied that it is desirable that the landlord should be authorised to resume a portion of a holding upon the estate for the purpose of planting trees or preserving woods or plantations, or growing timber, and that the value of the holding will not be materially diminished by reason of the resumption, may authorise the landlord to resume that portion upon such terms as may be approved of by the Land Commission, including full compensation to the tenant, and may make an order accordingly apportioning the rent and discharging that portion of the holding from the tenancy."

Leave out clause 20.

Page 12.

Leave out lines 1 to 4 and insert—

“(1) The consent of the owner required for the purposes of subsection (1) of section six of the Act of 1903, shall cease to be required.”

Line 6, leave out (“as so amended”)

Leave out line 17 and insert (“more than one quarter of the
“ area of which consists of”)

Lines 20 and 21, leave out (“ten pounds”) and insert (“five
“ pounds”)

Line 23, leave out (“ten pounds”) and insert (“five pounds”)

Line 24, leave out (“and”) and insert (“or”)

Page 14.

Leave out clause 27.

Page 16.

Line 24, leave out (“five”) and insert (“seven”)

After clause 34 insert clause B.—

B. Subsection (3) of section sixty-seven of the Act of 1903 shall not apply to any land or holding subject to a purchase annuity unless the Land Commission deem it expedient, having regard to the situation, size, and character of such land or holding, to apply the provisions of the said subsection thereto.

*Application
of 3 Edw. 7.
c. 37, s. 67
(3).*

Page 17.

Line 17, leave out from (“annuity”) to the end of the clause.

Page 18.

Line 27, leave out (“the”)

Line 28, after (“stock”) insert (“charged upon the under-
“ taking”)

Line 28, after (“railway”) insert (“company”)

[Bill 354.]

A 2

Page 19.

Line 24, leave out ("trustees") and insert ("them")

After clause 40 insert clauses C. and D.—

Provision as to immediate landlords not having power to sell.

C. Where the immediate landlord of any holding or holdings has not an interest sufficient to constitute him a person having power to sell to tenants under the Land Purchase Acts, the next superior landlord having such an interest shall be deemed to be a person having power to sell to occupying tenants under the said Acts notwithstanding that the said holding or holdings constitute the whole estate of such superior landlord, and section fifteen of the Act of 1903 shall apply accordingly.

Presumption of release of unpaid rent in certain cases.

D.—(1) Where any land sold under the Land Purchase Acts is subject to any rent reserved under a lease, and no payment on foot of such rent has been made for a period of forty years prior to such sale, such rent shall, for the purposes of such sale and the distribution of the purchase money, be deemed to have been released.

(2) Where portions of any such rent have become vested in different owners, this section shall apply to any portion of such rent as if it was a separate rent.

Page 20.

Leave out lines 3 to 8.

Line 9, at the beginning of the subsection insert ("If the owner of the estate accepts such proposal or consents to enter into negotiations with the Estates Commissioners")

Line 9, leave out ("the Estates Commissioners") and insert ("them")

Leave out clause 42.

Line 39, after ("any") insert ("congested")

Line 41, leave out ("if they think fit") and insert ("if in their opinion it is desirable that the estate or untenanted land should be purchased for the purpose of relieving congestion")

Page 22.

Line 39, leave out ("five") and insert ("eight")

Page 23.

Leave out lines 1 to 4.

Leave out lines 7 and 8 and insert (" An appointed member
" shall hold office for five years, and shall be eligible for
" re-appointment. On a casual vacancy occurring by
" reason of the death, resignation, or incapacity of an
" appointed member or otherwise, the person appointed by
" His Majesty to fill the vacancy shall continue in office
" until the member in whose place he was appointed would
" have retired, and shall then retire ")

Leave out lines 20, 21, and 22.

Line 24, leave out (" or elected ")

Leave out clause 46.

Leave out clause 47.

Page 24.

Line 19, leave out (" Clare ")

Line 20, after (" county ") insert (" the four rural districts of
" Ballyvaghan, Ennistymon, Kilrush, and Killadysert in
" the county of Clare, shall together form one congested
" districts county ")

Leave out lines 23 to 31.

Leave out lines 36 to 38.

Page 26.

Lines 31 and 32, leave out (" and of the administrative
" committee ")

Page 27.

Line 38, leave out from (" them ") to (" to ") in line 39, and
insert (" after the passing of this Act ")

Line 40, at end insert (" or to any herdsmen employed on or in
" connection with the land ")

Page 28.

Leave out lines 1 to 11.

Line 17, at end insert (" save as respects sales of parcels of
" land purchased by the Board before the passing of this
" Act ")

[Bill 354.]

A 3

Page 29.

Line 18, after ("no") insert ("congested")

Line 22, leave out from ("undertake") to ("Provided") in line 23 and insert ("to enter into an agreement or to send a final offer for the purchase of the estate within one year")

Leave out clause 62.

Page 30.

Line 40, leave out ("Judicial Commissioner") and insert ("Court")

Page 31.

Leave out from ("land") in line 4 to end of clause.

After clause 64 insert clauses E., F., and G.—

E.—(1) If any person interested in the estate or untenanted land objects to the acquisition of the same under this Part of this Act on the ground—

- (a) that other land sufficient and equally suitable for the purposes for which the estate or untenanted land is proposed to be acquired is available for purchase by the Commissioners or Board, as the case may be, by voluntary agreement at a reasonable price; or
- (b) that the estate or untenanted land consists of or includes land in the occupation of the owner which is, or forms part of, a park, garden, pleasure ground, recreation ground, demesne, or home farm, or was purchased under the provisions of the Irish Church Act, 1869, for a sum not exceeding two thousand pounds; or
- (c) that the estate or untenanted land consists of or includes land which has been purchased under the Land Purchase Acts, or is the property of a local authority, or is held by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking; or
- (d) that if the estate or untenanted land is acquired as proposed other land of the owner adjoining the estate or untenanted land will be injuriously affected or the amenity of the owners residence will be impaired:

he may, within the proscribed time and in the proscribed manner, apply to the court for an order restraining the Estates

Powers of court to restrain the compulsory acquisition of land.

Page 31.

Commissioners from acquiring the estate or untenanted land, or any specified part or parts of the same under this Part of this Act.

(2) The court for the purposes of this Part of this Act shall be a court constituted of the Judicial Commissioners and two Judges of the King's Bench Division of the High Court to be selected from a rota formed for the purpose.

(3) The court shall hear and determine all applications coming before it under this section, and may, if the justice of the case so requires, amend the final offer by excluding therefrom any part or parts of the lands therein described, or (with the consent of the owner and the body by whom the final offer was sent) by including therein any other lands of the owner.

(4) Where a final offer is amended by the court under this section, the body by whom the offer was sent may make such consequential amendments in the offer as appear to them to be necessary, and the offer as amended in pursuance of this section shall be deemed to be the final offer for the purpose of any subsequent proceedings under this part of this Act.

(5) The court with respect to any applications coming before it under this part of this Act and to all questions arising thereon shall have and may exercise all the powers, rights and privileges of the Chancery Division of the High Court, and the decision of the court on any question other than one of law shall be final.

(6) There shall be an appeal to the court of appeal from any decision of the court under this section on any question of law, and the decision of the court of appeal on such question shall be final.

(7) An order of the court or the court of appeal restraining the Estates Commissioners from acquiring land under this Part of this Act shall remain in force for five years after it is made.

(8) Rules of the Supreme Court shall provide for the forming of a rota for the purposes of this Part of this Act, and for the procedure to be adopted on the hearing by the court, and the court of appeal of applications and appeals under this section.

(9) The expression "owner" in this section means any person having power under the Land Purchase Acts to sell the estate or untenanted land.

F.—(1) Subject to any application to the court under the last preceding section, and to the final determination of all questions arising thereon, any person interested in the estate or

Applications
as to price.

Page 31.

untenanted land who is dissatisfied with the price named in the final offer may apply, within the prescribed time and in the prescribed manner, by way of objection to the court to fix the price to be paid for the estate or untenanted land, and, subject to the provisions of this section, the price shall be fixed by the court accordingly.

(2) The court upon any application under this section, if satisfied that the price can more conveniently and properly be fixed by arbitration, may—

(a) on the request of any of the parties interested other than the Estate Commissioners and the Congested Districts Board if the question of price is the sole question or sole remaining question in dispute; or

(b) in any case where the parties so consent:

refer the application to an arbitrator to be appointed by the Court, and in the case of any such reference the provisions of the Common Law Procedure (Ireland) Act, 1856, as amended by any subsequent enactment, shall with the necessary modifications apply in like manner as in the case of a reference to arbitration under that Act.

(3) In fixing the price to be paid for an estate or untenanted land, regard shall be had to the fair value of the same to the owner, but no additional allowance shall be made in respect of the purchase being compulsory.

(4) The costs and expenses of and incidental to any application under this section shall be at the discretion of the Court, and the Court may, if it thinks fit, order the same to be paid by the Land Commission or the Congested Districts Board.

Completion
of purchase.

C. Subject to any application to the court under this Part of this Act, and the final determination of all questions arising thereon, the price named in the final offer or fixed as the case may be under this Part of this Act shall be deemed to be the purchase money of the estate or untenanted land, and shall, within the prescribed time, be paid into the Bank of Ireland, and the purchase shall be completed and the purchase money distributed in like manner and all the like consequences shall ensue as if the estate or untenanted land had been purchased by the Land Commission or the Congested Districts Board as the case may be by agreement entered into under the Act of 1903 as amended by this Act upon the date of the payment of the purchase money into the Bank.

Page 32.

Leave out clause 65.

Page 33.

Leave out clause 66.

Page 34.

Line 10, after (" by ") insert (" the Act of 1896 and ")

Page 35.

Line 2, leave out (" the Act of 1903 ")

Line 3, leave out (" and this Act ")

Page 36.

Line 29, after (" land ") insert (" and in any case where the
" amount advanced is less than the purchase money ")

Line 31, after (" Treasury ") insert (" regard being had in the
" case of untenanted land to the fair annual value of the
" land to the owner ")

Page 37.

Third column, line 30, after (" seventy-five ") insert (" save as
" regards sales of parcels of land purchased by the Congested
" Districts Board before the passing of this Act ")

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[Bill 354.]